

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Nov 29, 2016**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

RUDY LEE WACHUMWAH,

Defendant.

No. 2:11-CR-2090-SMJ

**ORDER DENYING DEFENDANT'S  
MOTION TO DISMISS  
SUPERVISED RELEASE  
PETITION**

On Wednesday, November 23, 2016, the Court held a hearing on Defendant Rudy Lee Wachumwah's Motion to Dismiss Supervised Release Petition, ECF No. 121. Jeffry Dahlberg appeared on behalf of Defendant. Benjamin Seal appeared for the United States Attorney's Office. The Court denied Defendant's motion to dismiss in an oral ruling on the record. This order memorializes and supplements that order.

On October 26, 2016, the government filed a petition alleging Defendant violated the special condition of his supervised release requiring that he have no contact with any child under the age of 18. ECF No. 109. On October 31, 2016, the Court found that probable cause existed to believe that Defendant committed the violation. ECF No. 119. Defendant argues that because the no-contact

1 condition restricts him from associating with his family members, the Court erred  
2 by imposing the condition without engaging in a particularized inquiry and  
3 making special findings. ECF No. 121 at 7-8. Defendant therefore asks that the  
4 Court dismiss the petition and strike the no-contact provision from Defendant's  
5 conditions of release. ECF No. 1216.

6 A district court need not state at sentencing the reasons for imposing each  
7 condition of supervised release if the reasoning is apparent from the record. *See*  
8 *United States v. Wolf Child*, 699 F.3d 1082, 1090 (9th Cir. 2012). Defendant  
9 pleaded guilty to failure to register as a sex offender in violation of 18 U.S.C.  
10 2250, ECF No. 53. The underlying offense that required Defendant to register as a  
11 sex offender involved sexual abuse of his minor daughter. ECF No. 59 at 15-16.  
12 In this context, the court properly declined to exclude family members from the  
13 no-contact condition of Defendant's supervised relief and it is apparent from the  
14 record why the Court did so. It was not necessary for the court to make special  
15 findings.

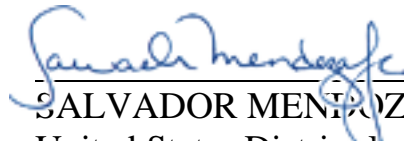
16 Accordingly, **IT IS HEREBY ORDERED:**

17 **1.** Defendant's Motion to Dismiss Supervised Release Petition, **ECF**  
18 **No. 121**, is **DENIED**.

19 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order  
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1  
2 and provide copies to all counsel.

3 **DATED** this 29th day of November 2016.

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5 SALVADOR MENDOZA, JR.  
6 United States District Judge  
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